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SUBJECT: FACE TO FACE WITH SMUGGLERS AND OFFICIALS ALONG THE BORDER

#### Summary

11. An Econ trip to the town of Chau Doc and the border area of An Giang Province revealed energetic levels of small time smuggling that is largely tolerated by local authorities. That fat man on the motorcycle may simply have his clothing stuffed full of cartons of cigarettes, locals say, but they also denied any knowledge of narcotics trafficking in did not mention any trafficking in women. With lax border controls and a largely unpatrolled border, however, both could easily occur. One official stated they stopped a boat with more than 7 kilos of heroin earlier this year, but somehow, on the open paddy fields, the smugglers themselves managed to escape. Most border traffic is local, with almost no foreigners crossing into or out of Cambodia. While traveling in a marked "frontier area," Econoffs, Econ/Pol Assistant, and Congen Driver came to the attention of the police who, while ignoring other traffic coming and going, tried to impress upon Congen party that they had violated Vietnamese law by being there without permission. Police were polite, did not try to separate or intimidate the two FSNs, and eventually sent Congen party on their way.

#### "Catfish" and Smugglers

An Giang Province sits along the Cambodian Border where the Mekong River enters Vietnam. Only two or three kilometers from the border is the town of Chau Doc which is located along a branch of the Mekong. These days it is known for raising tra and basa fish, primarily in floating cages in the river. Like many border towns it is also known for smuggling. Because Cambodia has substantially lower tariffs for many goods, this can be a lucrative business. One local Amcham contact reported that on a recent visit to Phnom Penh he was told by a Cambodian official that 40% of goods imported into Cambodia are eventually smuggled into Vietnam.

#### Quiet Crossing and Sleepy Guards

13. The official border crossing nearest Chau Doc is Tinh Bien, about 25 km southwest of town. It sits on a causeway cutting across a landscape of rice paddies that stretch for miles on either side. The checkpoint is a quiet spot, and Econoffs' arrival at the border crossing caused a stir among the motorbike taxi drivers waiting for fares that never seemed to materialize. Econoffs walked up to the Vietnamese immigration checkpoint where two young soldiers in a small hut preside over the pedestrian and vehicle crossings. Beyond them sits an administrative building, including the customs check-point, and then Cambodia. The soldiers, though clearly curious about their Western visitors, were friendly, chatting with Econoffs while continuing to check those crossing the border. Eventually, an officer emerged from the administrative building. He was also courteous and willing to answer questions. They told us that the nearest town on the Cambodian side was about 7 kilometers away.

14. Pedestrian and motorcycle traffic through the checkpoint was light but steady. People transiting from Vietnam to Cambodia were mostly empty-handed and traveled by motorbike. Econoffs witnessed two loads of eggs stacked high and wide on modified motorcycle carts headed into Cambodia. Travelers entering Vietnam tended to carry small bundles of agricultural products. We also saw a couple loads of scrap metal and boxes on carts coming in as well. The Cambodians were a far more ragged-looking lot than their Vietnamese neighbors, many of them on foot or on old bicycles. There were a few men crossing into Vietnam with picks or hoes tossed over their shoulders, perhaps coming to work. The border guards said that about 400 people cross the border in the 12 hours it is open each day; about 300 of them are crossing from Cambodia into Vietnam. Most of these trips are round-trips by residents of the border areas. In the thirty minutes Econoffs spent conversing with the border guards, only one, apparently empty, truck bound for Cambodia passed through the checkpoint, none transited in the other direction.

15. Travelers passed the checkpoint with little or no inspection. Border residents, Cambodian or Vietnamese, are allowed relatively unrestricted travel back and forth. Each official ID card denotes the holder's place of residence and, as long as they reside nearby, there is no need for visas, passports, or other formalities. A few people heading for Cambodia presented the border guards with their identification card and a 2000 VND fee.

The money went in a cash drawer, while the details from the ID cards were carefully recorded by hand in a small lined notebook by the border guard. In one such case a tall silent fellow strolled up, raised us hat, withdrew his Cambodian ID card, presented it with a fee, and then carefully replaced the ID in his hat, smiled, and proceeded. Most people, however, offered nothing more than a nod or smile. The guards stated that these were regulars - people who crossed on a daily basis. The guards said they collect the crossing fee from them on a periodic basis; though, there was no apparent system of tracking the number of crossings. Very few non-locals cross at the border, the officials told us. Since the checkpoint became an international border crossing in February 2002, only about 200 foreigners had gone through the checkpoint.

¶6. The border guards acknowledged that smuggling occurred but did not say much about their efforts to prevent it. They did acknowledge that the one boat in their inventory was not enough to effectively patrol the paddies during the rainy season. The officer noted that during the recent rainy season, border guards confiscated 7 kilos of heroin when they stopped a suspicious boat crossing the flooded paddies. No one managed to apprehend the crew of the boat, although escaping from a boat in a flat, featureless landscape would seem difficult.

¶7. All in all, Tinh Bien was a somnolent place of very local traffic, almost roused from quiet routine by the presence of strangers, but not quite. The closest thing to dynamic activity was about one kilometer back from the border where Cambodian farmers sold their rice - which they typically brought on their backs or on bicycle - to Vietnamese buyers at a roadside rendezvous point. Time spent in the vicinity of the unofficial border crossing on the edge of Chau Doc would tell a different tale.

#### Texas Fives and Used Rice Cookers

¶8. Upon arriving in Chau Doc, Econoffs dined with a prominent family in the local aquaculture industry. These contacts, as lifelong residents of the border area, were quite knowledgeable about local smuggling and shared many anecdotes of living along the main street in a border town. They described men bent under the weight of 29 inch TV boxes shuffling by their house and passersby on bicycles carrying so many cartons of cigarettes under their clothes that they appeared lumpy and twice their normal size ("you know, like Westerners. Ha ha ha"). They told us that Chau Doc was awash in smuggled goods, particularly cigarettes, motorcycle parts, cellphones, small household appliances, and electronics, both new and used. That is why, they said, these items were much cheaper in Chau Doc than in Ho Chi Minh City. They were happy to point out the area along the border very near town where much of the smuggling takes place. Using our host's directions, we followed dinner with a trip to the border and the area where smugglers make their crossings.

¶9. Unlike the official crossing at Tinh Bien, this crossing is just outside of Chau Doc in a populated commune known as Vinh Nguon. Following a dirt road flanked by rough one-room houses crafted from thatch, tin, and old lumber, Econoffs paralleled the border with a branch of the Mekong River on the right and rice paddies leading to Cambodia on the left. Periodic stops to look across the darkened paddies for signs of activity invariably attracted curious onlookers, each eager to talk about life on the border and the local smuggling business. According to one small group of young men that approached us, the bulk of illicit cross-border trade flows from Cambodia to Vietnam and is in rather innocuous goods. Televisions, DVD/VCD players, clothes, used electrical appliances, and cigarette brands with names like Jet and Texas Fives all cross the paddy fields. Smuggled goods come across on the backs or under the clothes of local residents hired by the trip. Wages for guiding others across the border are around 30,000 VND (about two usd) per trip, while the wages for actually carrying contraband fluctuates with the value of the cargo. Interestingly, according to local residents, smuggling at this area takes place mainly during daylight hours. One local even described the "workday" as starting at 7AM. Border area residents said the river was not a favored avenue for smuggling as it was easy for the police to stop and search boats. In a separate conversation, however, the expat manager of a local hotel attached more importance to the water route and claimed that boatloads of contraband regularly entered Vietnam at Chau Doc.

¶10. Vinh Nguon's smugglers converge on various shops and houses in Chau Doc after making their cross-border dashes. Here the smuggled goods are collected and loaded onto trucks, or motorbikes, for onward transport to other Delta towns and Ho Chi Minh City. At no point did Econoffs observe any official stops or searches of vehicles leaving Vinh Nguon or Chau Doc.

¶11. Local residents denied that drug trafficking occurred at this part of the border. Although it did not appear that major drug trafficking was conducted at this particular border point, we cannot say for sure whether they knew and were telling us the full story or were simply cautious talking about a more lucrative and more dangerous trade. Although they gleefully answered questions about used rice cookers and cigarettes, questions about narcotics brought shrugs.

¶12. The biggest surprise was what they said about their treatment by the border guards when they were occasionally caught. The soldiers did not seek a payoff, they said, and offering a bribe was a bad idea. They insisted the best approach was act to contrite and beg for pity. This would generally bring release, whereas, the offer of a bribe would bring sure arrest and punishment.

The Long Arm of the Law

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¶13. Econoffs returned to the border the next morning to see the "dayshift" at work. Not long after we returned, one of the young men we met the night before roared up on the back of a motorbike and gestured for ConGen vehicle to follow. The motorbike led us up the road to a dirt lot between two small houses. One hundred feet back from the road the land dropped steeply to a wide expanse of paddy. From this vantage point our self-appointed escorts pointed out Cambodia, perhaps about 1 kilometer away, separated from Vietnam by rice paddies criss-crossed by narrow paths atop dikes. They also pointed out a large tin-roofed building just across the border. This was the market where most of the local smugglers traveled to buy cigarettes as well as clothing and small appliances - mostly used. Econoffs observed groups of people headed for Cambodia. Several even stopped to tell us where they were going.

¶14. The presence of two Westerners and an SUV with diplomatic plates did not go unnoticed for long. Locals began to drop by to check out Econoffs (along with the shiny SUV) who were observing the decidedly unagricultural activity in the rice fields. In due course Econoffs were asked to follow uniformed border guards and a couple in plainclothes to the local police station - a request that followed their admonition that the ConGen group was in a restricted border area without official permission. Deciding that accepting the invitation was the prudent course, ConGen vehicle followed a motorcycle to the commune police station for a two hour discussion of the border and our "transgressions." Of particular note during this episode was the presence of a young man on a motorbike. He had also been at the official border crossing 25 kilometers away during our earlier visit and had engaged in a hushed conversation with the officer in charge there.

¶15. At the police station, two plainclothes officials of the first name only variety advised Econoffs that foreign visitors require formal, written permission to visit the "buffer area" and claimed Econoffs had violated Vietnamese law. They also requested official ID from the Americans in the ConGen group. We explained that the hotel kept our IDs at check-in. They refused to even look at our business cards. Econoffs noted that they were unaware of such a law, and, furthermore, Congen had informed the provincial ERO via diplomatic note of Econoffs's intention to visit the border. This conversation recycled several times. So it went for about 45 minutes with intermittent breaks for the officers to disappear into the back room to make phone calls, presumably seeking guidance. During this period, ConGen FSN telephoned the local ERO and People's Committee to advise them of our situation and request assistance. Econoffs also requested a copy of the law in question.

¶16. Eventually, a group of three border police arrived at the police station and the two plainclothes officials faded into the background. Major Lan, deputy commander of a local border outpost, took over the discussion. He was polite and even purchased bottled water for the Congen group with his own money. He stated firmly, however, that the ConGen group had entered a restricted area and had violated the law. Econoffs pointed out that while they knew that they had passed a sign labeled "frontier area," they saw no warning that access was restricted. On the contrary, Econoffs noted that the area seemed a beehive of activity with all sorts of people coming and going. Econoffs noted that they had made no attempt to conceal their presence and had informed the provincial ERO of their intention to visit the border.

¶17. Evidently tipped off by our request to see the law in question, Major Lan produced an official pamphlet detailing Decree 34/2000/NĐ-CP on the Regulation on the Land Border Areas of the Socialist Republic of Vietnam. The law states that foreigners who work for "central bodies" or who are hosted by Vietnamese organizations need to obtain various permissions to travel in a marked and defined "border belt." The law does not appear to envision diplomats or unaccompanied foreigners. An attached circular notes that all visitors to the "border belt" must check-in with local authorities. After reviewing the law, Major Lan then asked Econoffs to sign a "minute" that would document the presence of the Congen group in a restricted area, but that no fine or punishment would be levied. Econoffs explained that while Major Lan should feel free to draft the "minute," they could not sign it and at best could take it back to the Consulate for review. As Major Lan chain-smoked Jet brand cigarettes, his deputy laboriously drafted, by hand, two identical "minutes." With the completed "minutes" in hand, Major Lan reiterated the requirement that Econoffs sign them. He said that if we did not sign, we would not be detained but we would continue talking at the police station. Econoffs replied that if we were not being

detained, then we would leave. No, he said, we would first need to sign.

¶18. Eventually Major Lan proposed an unusual solution. Throughout the visit to Vinh Nguon's police station, Econoffs shared the interview area with three actual smugglers caught that morning. The unlucky trio run a store in HCMC's Tan Binh district and had been headed to Cambodia to pick up clothes and small electronics to replenish their inventory. This was their third trip to Cambodia and their first brush with the authorities. Despite their unenviable position as guests of the police, the group did not seem worried. Their mood seemed a mixture of boredom alternating with excitement at sharing the police station with American diplomats. For the most part they passed their time smoking cigarettes and reading newspapers. They did a lot of grinning. The police took their cellphones upon arrival, so chatting on the phone was out. Major Lan selected the leader of this group and asked Econoffs if this man could sign the "minutes" as a witness. Econoffs responded that he was free to sign whatever he wanted to sign.

¶19. This was all Major Lan needed. The witness signed the form and Major Lan decided business cards were perfectly suitable forms of identification, though he did say that the refusal to sign meant he could not give carbon copies of the "minutes" to Econoffs. The gathering broke up with handshakes and offers of hospitality should Major Lan find himself in HCMC or should Econoffs return, properly announced, to Vinh Nguon. After the goodbyes, the ConGen vehicle headed for HCMC while the trio of smugglers and assorted officials waved goodbye from the police station driveway.

Comment

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¶20. Even though Econoffs, Econ/Pol Assistant, and Congen driver were asked to spend a couple hours talking at the neighborhood police station, the police were never rude or threatening. Although they firmly stated that we had violated the law and admonished the FSNs that as Vietnamese they should have known better, they were generally polite. At no time did they attempt to restrict our contact with the outside, and in fact we made several telephone calls. Nor did they attempt to separate the local FSNs from American officers to try to intimidate them. Most likely, the officials on the scene and their behind-the-scenes superiors felt they could not ignore a foreign presence at the border that they believed to be illegal. They chose to handle it in the gentlest way they knew how - by warning us, creating a piece of paper, and sending us on our way.

¶21. Comment continued: The smuggling and other border activity that Econoffs witnessed in Chau Doc and at the nearby crossing was primarily local, and is dwarfed by the amount of trade, legal and otherwise, that crosses the border at Tay Ninh, which is the main route between Ho Chi Minh City and Phnom Penh. Just because our local conversations did not turn up tales of trafficking in women or narcotics, however, does not mean that it is absent here, and both could easily occur. Other sources have named An Giang Province as having a problem with trafficking in women. Border police readily admit that they have trouble monitoring this stretch - probably every stretch - of the border. What appears to be happening here openly is that local border officials turn a rather benign eye to the activity of local residents that allow them to come and go freely and do much of their shopping "duty free."

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